



Bfw 2638

PATENT
Customer No. 22,852
Attorney Docket No. 9314.0007-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Adalbert BANDEMER et al.) Group Art Unit: 2638
)
Application No.: 09/979,567) Examiner: Kinfe Michael NEGASH
)
Filed: March 13, 2002) Confirmation No. 2828
)
For: ASSEMBLY FOR MONITORING)
THE PERFORMANCE OF D-WDM)
MULTI-FREQUENCY SYSTEMS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

The documents listed in this Information Disclosure Statement were cited in an Office Action of May 10, 2005 in a corresponding Japanese Patent Application No. 2000-617587.

Copies of the listed documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and

applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

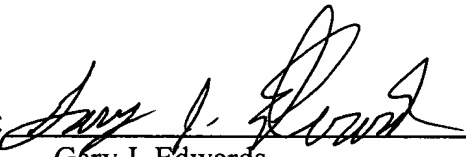
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

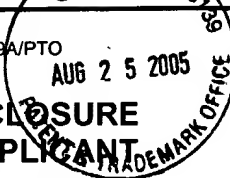
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 22, 2005

By: 
Gary J. Edwards
Reg. No. 41,008

<div style="display: flex; justify-content: space-between; align-items: center;"> <div> <p>IDS Form PTO/SB/08: Substitute for form 1449A/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use as many sheets as necessary)</p> </div> <div style="text-align: center;">  </div> </div>				<p>Complete if Known</p>		
Sheet		1	of	1	Application Number	09/979,567
					Filing Date	March 13, 2002
					First Named Inventor	Adalbert BANDEMER
					Art Unit	2638
					Examiner Name	Kinfe Michael NEGASH
					Attorney Docket Number	09314-0007-00000

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-			
		US-			
		US-			
		US-			

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		JP 06-315010 A2	Nov. 8, 1994	Matsushita Electric Ind. Co. Ltd.		Abstract
		JP 08-181666 A2	Jul. 12, 1996	Fujitsu Ltd.		Abstract

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		Notice of Reasons for Rejection issued by Japanese Patent Office in Application No. 2000-617587 on November 30, 2004, English translation, 7 pages.	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.